

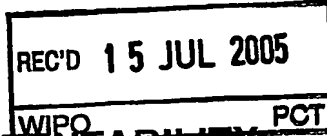
## PATENT COOPERATION TREATY


PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference P017884WO		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/GB2004/003790		International filing date (day/month/year) 06.09.2004	Priority date (day/month/year) 29.09.2003	
International Patent Classification (IPC) or national classification and IPC B05B11/00				
Applicant BESPAK PLC et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains Indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  11.04.2005		Date of completion of this report  18.07.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer  Endrizzi, S  Telephone No. +31 70 340-4962		



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/GB2004/003790

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-5 as originally filed

**Claims, Numbers**

1-7 received on 11.04.2005 with letter of 04.04.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	2-3
	No: Claims	1,4-7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

Re Item V.

- 1 The following document is referred to in this communication:  
D1 : WO 02/094708 A (COHEN BEN Z ; SCHULTZ ROBERT S (US)) 28  
November 2002 (2002-11-28)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1 is not new in the sense of Article 33(2) PCT**.  
Document D1 discloses (the references in parenthesis applying to this document):

A hand-held multi-dose dispensing apparatus (Fig: 21; 1100) comprising a metering chamber (Fig: 21; 1122, 1124) having an axis (Fig: 21), an end portion (Fig: 21; Y, 1106) at one axial end of the chamber and a side body portion (Fig: 21; 1134, X, 1126) extending from the axial end portion, a piston arrangement (Fig: 21; 1108, 1132) movable with a piston stroke along the axis of the metering chamber with a seal portion (Fig: 21; 1130) of the piston arrangement being slidably engageable with an inside surface of a side portion (Fig: 21; X; Paragraph: 90) of the metering chamber, an inlet (Fig: 21; 1122, 1126; Paragraph: 89) for fluid to enter the metering chamber, and an outlet (Fig: 21; 1106) for fluid to be dispensed from the metering chamber, wherein the inlet is provided on the side body portion (Fig: 21; 1122, 1126, 1130) of the metering chamber and, in use, during *the* first portion of the piston stroke, the inlet is in fluid communication with the metering chamber (Fig: 21) and during a second portion of the piston stroke, the seal portion of the piston arrangement blocks the inlet preventing fluid from passing from the inlet into the metering chamber (Paragraph: 93), and wherein the piston arrangement (Fig: 21; 1108, 1132) comprises a first portion (Fig: 21; 1132, 1146) and a piston seal (Fig: 21; 1130), the piston seal being arranged to slidably engage and seal against the inside surface of the metering chamber (Paragraph: 90) and to be *slid over* the first portion of the piston arrangement (Fig: 21; 1130, 1146, 1136; Paragraph: 93), such that during the second portion of the piston stroke when the pressure in

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(SEPARATE SHEET)**

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the metering chamber  
piston seal slide relative to  
(Paragraph: 93).

exceeds a particular level, the first portion and the  
each other to open an outlet for fluid to be dispensed

**3 INDEPENDENT CLAIM 7**

3.1 The independent **claim 7 is it not allowable** since it does not meet the criteria of Rule 6.2 PCT.

**4 DEPENDENT CLAIMS 2-6**

Dependent claims 2-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT); see document D1 and the text/figures indicated in the search report.

**5 INDUSTRIAL APPLICABILITY**

Claims 1-6 have industrial applicability in dosing apparatus.